



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
TOWN OF LAWRENCEVILLE
FOR
LAWRENCEVILLE WASTEWATER TREATMENT PLANT
VPDES Permit No. VA0020354**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Town of Lawrenceville, regarding the Lawrenceville Wastewater Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
6. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
7. "DMR" means Discharge Monitoring Report.
8. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
9. "Facility" or "WWTP" means the Lawrenceville Wastewater Treatment Plant located at 380 Meadow Lane, Lawrenceville, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of Lawrenceville.
10. "Lawrenceville" means the Town of Lawrenceville, a political subdivision of the Commonwealth of Virginia. Lawrenceville is a "person" within the meaning of Va. Code § 62.1-44.3.
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
12. "O&M" means operations and maintenance.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
14. "Permit" means VPDES Permit No. VA0020354, which was issued under the State Water Control Law and the Regulation to Lawrenceville on September 11, 2012 and which expires on August 31, 2017.
15. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.

16. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
17. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
18. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
19. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
20. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
21. "TMDL" means total maximum daily load.
22. "TKN" means total kjeldahl nitrogen.
23. "TSS" means total suspended solids.
24. "Va. Code" means the Code of Virginia (1950), as amended.
25. "VAC" means the Virginia Administrative Code.
26. "VPDES" means Virginia Pollutant Discharge Elimination System.
27. "WWTP" means wastewater treatment plant.

SECTION C: Findings of Fact and Conclusions of Law

1. Lawrenceville owns and operates the Facility. The Permit allows Lawrenceville to discharge treated sewage and other municipal wastes from the Plant, to Roses Creek, in strict compliance with the terms and conditions of the Permit.

2. Roses Creek is located in the Chowan and Dismal Swamp River Basin. During the 2014 Water Quality Assessment 305(b)/303(d) Integrated Report, Roses Creek was impaired of the Recreation Use due to E. coli exceedances. The Aquatic Life Use was assessed as fully supporting. There was insufficient information to assess the Wildlife Use and the Fish Consumption Use was not assessed.
3. The Roses Creek Watershed Bacterial Total Maximum Daily Load (TMDL) was approved by the Environmental Protection Agency on July 6, 2004 and by the Board on December 2, 2004. The Lawrenceville Wastewater Treatment Plant received an E. coli wasteload allocation of 4.18×10^{12} cfu/year during a subsequent TMDL modification in 2007. Roses Creek has historically been considered a Tier 1 water and antidegradation was not applied during permit modeling.
4. Lawrenceville, in submitting its Permit required DMRs for the September 2016 through January 2017 monitoring periods, has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit, for TKN in September and December of 2016, and for TSS in January of 2017. Lawrenceville indicated that it believed September violation was due to high stormwater flows and the remaining exceedances were related to a lightning strike to a mechanical drive which controls the oxidation ditch clarification mode discharge weirs.
5. On February 27, 2017, the Department issued NOV No. W2017-02-P-0001 to Lawrenceville for the TKN and TSS exceedances.
6. On March 8, 2017, Lawrenceville responded to the NOV, stating that the Town had recently received construction bids and initiated construction on Phase I of a WWTP upgrade. Phase I of the WWTP upgrade includes the installation of solids handling and filtration equipment. Lawrenceville stated that during the time period of the first discharge on September 22, 2016, the Town was inundated with over 4 inches of rain with the WWTP's discharge at or above the design capacity. On December 14, 2016, the Facility operators needed to replace the drive on the clarifier weir plates due to mechanical failure. Lawrenceville stated it was aware of additional TSS violations that occurred on February 7 & 9 and on February 16, 2017, and that had the current belt press and cloth filters project under construction been complete, the Town would have been in compliance with its TSS effluent limits. Facility operators also found additional issues with the drive motor on the weirs.
7. On March 10, 2017 Lawrenceville submitted a DMR for the February 2017 monitoring period indicating that it exceeded discharge limitations contained in Part I.A.1 of the Permit for TSS.
8. On April 11, 2017, Lawrenceville reported that on April 9, 2017, the Facility experienced solids washout after the oxidation ditch clarification mode weirs stuck in the fully open position. The manufacturer was contacted to assist in troubleshooting the issue. Lawrenceville believes this malfunction was the result of a lightning strike.

9. On May 10, 2017 Lawrenceville submitted a DMR for the April 2017 monitoring period indicating that it exceeded discharge limitations contained in Part I.A.1 of the Permit for TSS.
10. Lawrenceville's operating logs indicate that it discharged treated wastewater from the WWTP every day from September 1, 2016 through May 1, 2017.
11. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."
12. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
13. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
14. The Department has issued no permits or certificates to Lawrenceville other than VPDES Permit No. VA0020354.
15. Roses Creek is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.
16. Based on the DMR submittals for the September 2016 through April 2017 DMRs and subsequent discussions with Lawrenceville, the Board concludes that Lawrenceville has violated the Permit Part I.A.1, Va. Code 62.1-44.5, and 9 VAC 25-31-50, by discharging treated sewage and municipal wastes from the WWTP while concurrently failing to comply with the conditions of the Permit, as described above.
17. In order for Lawrenceville to return to compliance, DEQ staff and representatives of Lawrenceville have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Lawrenceville, and Lawrenceville agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$5,600 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Lawrenceville shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Lawrenceville shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Lawrenceville for good cause shown by Lawrenceville, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Lawrenceville admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Lawrenceville consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Lawrenceville declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Lawrenceville to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Lawrenceville shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Lawrenceville shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Lawrenceville shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

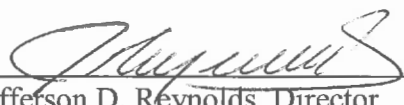
Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Lawrenceville. Nevertheless, Lawrenceville agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Lawrenceville has completed all of the requirements of the Order;
 - b. Lawrenceville petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Lawrenceville.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Lawrenceville from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Lawrenceville and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Lawrenceville certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind Lawrenceville to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Lawrenceville.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Lawrenceville voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 24th day of August, 2017.



Jefferson D. Reynolds, Director
Department of Environmental Quality
Division of Enforcement

------(Remainder of Page Intentionally Blank)-----

The Town of Lawrenceville voluntarily agrees to the issuance of this Order.

Date: 6/14/17 By: C. J. Dean, Town Manager
(Person) (Title)
Town of Lawrenceville

Commonwealth of Virginia

City/County of Brunswick

The foregoing document was signed and acknowledged before me this 14th day of

June, 2017, by C. J. Dean who is

Town Manager of the Town of Lawrenceville, on behalf of the Town.

Wanda Elmore Johnson
Notary Public

109593
Registration No.

My commission expires: June 30, 2020

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Lawrenceville shall:

1. Within thirty days of the issuance of this Order submit to the Department a report documenting the clarifier weir repair and the causes of the failure. Lawrenceville shall maintain a supply of spare parts adequate to conduct repairs to the weir drive within 24 hours of failure.
2. On or before January 1, 2018, complete construction and place into operation 2 cloth filters and 2 belt filter presses as approved in the Certificate to Construct (CTC) issued November 10, 2016.

Should DEQ determine in its sole discretion, upon review of DMRs submitted by Lawrenceville for a period of six months after completion of the Appendix A items in this Order, that the Facility is unable as built or operated to meet Permit effluent limits for TKN and TSS, Lawrenceville must within 60 days of Department notification submit to the Department for approval an alternate plan and schedule for its return to compliance. Upon its approval, said plan and schedule shall become a part of and enforceable under the terms of this Order.

DEQ Contact

Unless otherwise specified in this Order, Lawrenceville shall submit all requirements of Appendix A of this Order to:

**Frank Lupini
Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949A Cox Road,
Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov**